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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,412	12/27/2001	Gaetan L. Mathieu	20206-18	2559
7590	10/20/2004		EXAMINER	
Woodard, Emhardt, Naughton, Moriarty and McNett Bank One Center/Tower Suite 3700 111 Monument Circle Indianapolis, IN 46204-5137			NGUYEN, VINH P	
			ART UNIT	PAPER NUMBER
			2829	
			DATE MAILED: 10/20/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/034,412	MATHIEU, GAETAN L.	
	Examiner	Art Unit	
	VINH P NGUYEN	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 September 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-29 is/are pending in the application.  
 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.  
 5) Claim(s) 1-12 is/are allowed.  
 6) Claim(s) 19-24 is/are rejected.  
 7) Claim(s) 13-15 and 25-29 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/13/04 has been entered.

2. Claims 13-14 are objected to because of the following informalities:

In claim 13, it is unclear what “means for electrically signaling...” represents. Is it shown in any of drawings?

In claim 14, line 1, should “claim 13 comprising” be changed to “claim 13 wherein transmitting energy means comprises” be inserted.

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki et al (Pat # 4,780,836).

As to claim 19, Miyazaki et al disclose an apparatus having a probe card (3), a chuck (5) for supporting a device under test (4) and a CPU (6) for monitoring an actual distance of the probe card needles and the device under test and controller (16) for adjusting the actual distance between the probe needles of the probe card and the device under test.

As to claim 20 , the apparatus of Miyazaki et al is also used for testing the device under test during monitoring step and adjusting step.

As to claim 21, Miyazaki et al teach that the probe card has a plurality of probes and these probes are brought into contact with the electronic device under test (4).

As to claim 22, Miyazaki et al teach that the contact resistance of the probe is evaluated and this contact resistance would be equivalent to “pressure”.

As to claims 23-24, the bringing step and adjusting step of Miyazaki would include moving the electronic device (4).

5. Claims 1-12 are allowable since the prior art does not disclose a system for adjusting geometric of a probe card using energy transmitting means for controlling the geometric planarity of the probe card.

6. Claims 15 and 25-29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not disclose a temperature sensor for monitoring temperature corresponding to deflection of the probe card, the steps of heating a portion of the probe card, and determining whether to heat or cool a portion of the probe card.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sato (pat # 4,755,747) disclose wafer prober and a probe card to be used therewith.

Nelson et al (Pat # 5,550,480) disclose method and means for controlling movement of a chuck in a test apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P NGUYEN whose telephone number is (571)-272-1964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VINH P. NGUYEN  
PRIMARY EXAMINER  
ART UNIT 2829  
10/15/04